

help and serving as a leader for our young people.

**FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001**

The SPEAKER pro tempore (Mr. COLINS). Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4205.

□ 1024

**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. BURR of North Carolina (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, May 7, 2000, amendments en bloc printed in House Report 106-621 offered by the gentleman from South Carolina (Mr. SPENCE) had been disposed of.

It is now in order to consider Amendment No. 10 printed in House Report 106-621.

**AMENDMENT NO. 10 OFFERED BY MR. SANFORD**

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SANFORD:  
At the end of title III (page 82, after line 14), insert the following new section:

**SEC. \_\_\_\_ REPEAL OF AUTHORITY FOR LESS-THAN-FAIR-MARKET-VALUE TRANSFERS OF PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.**

(a) PROVISIONS REPEALED.—Sections 381 and 2576a of title 10, United States Code, are repealed.

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381.

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576a.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have an amendment that I think is in the best interests of the United States military, and I say that for many different reasons. But one of the reasons I would say that is that when the American taxpayer buys

this helicopter, not this helicopter, but the model that it represents, this is a UH-68 Blackhawk Helicopter, is it runs somewhere between \$8- and \$10 million a copy. That is when they buy them.

Now, at the end of the cycle, when the Army is through using them, rather than selling the wheels or selling the motor or selling the frame or selling the whole thing, it is given away. It is given away to other pieces of the Federal Government, it is given away to State or local governments. I think that in this era, which has been talked about through the course of this debate, of scarce military dollars, the military needs every dollar they can have. Rather than continuing to give these dollars away, why does the military not keep it?

The origins ever the program behind giving this helicopter and other things away made a lot of sense 50 years ago, because in the wake of World War II we had all kinds of things out there. So the idea was let us give some of this stuff away.

What is interesting is by the Department of Defense's own estimates, roughly, approximately, \$350 million a year gets given away through this program. Now, that is, if you assume that this helicopter is worth \$1. If it is, in fact, worth \$10, we are talking about \$3.5 billion a year that is given away out of the back door of DOD to other agencies, State, local or Federal.

Now, to give you an idea of scale, the Law Enforcement Support Program takes 5,000 orders a day. It gives away, as I said, that amount of money. Over the last two years, they have given away, given away, 253 aircraft, including 6 and 7 passenger airplanes, Blackhawks, Hueys, MD-500s and Bell Jet Rangers. They have given away 7,800 M-16s, they have given away 181 grenade launchers, they have given away 1,161 pair of night vision goggles. That is a lot of things, and that is just part of the list.

To give you another idea of scale, the State and Local Law Enforcement Equipment Procurement Program sells at reduced prices a number of things within the DOD inventory. I went down their Web page. If you look on the Web page, you will find things like wristwatches, stopwatches, compasses, lubricating oil, commercial automobile oil, camping and hiking equipment.

The point of all that is to say this is not used stuff. It is not used, like the helicopter. It is brand new stuff that is still sitting in its case. It has market value. It could be sold at an open auction, and those dollars could be used by DOD for procurement and they could be used for training.

So I offer this amendment because it stops money from being siphoned off from defense. It, secondly, helps to create a clear budget. If we are to make good decisions in government, they rest on reality. Budgets have to show reality. Unfortunately, current budgets do not. What they do is they overstate the cost of defense, and they under-

state the cost of other Federal agencies, and understate the cost of state and local government.

The third reason I offer this amendment is because it is in the best interest of the taxpayer. That is why it is supported by the National Taxpayers Union, that is why it is supported by Citizens Against Government Waste. They do so because if something is given to you, you oftentimes treat it very differently than if you have to pay dearly for it.

To give you an idea of the kind of excesses that occur in this program, for instance, 60 Minutes did a special about 2 years ago about a small rural county in central Florida that, through this program, among other things, had been given 23 helicopters, an armored personnel carrier, and two C-12 airplanes. As it turned out, that county was using it as a revenue source.

□ 1030

They would keep the stuff for a couple of years and then they would sell it on the open market, making hundreds of thousands of dollars for that county.

If it is not used that way, frankly, it is used strangely. I went to a county in South Carolina where the chief of police was taking helicopter lessons in a helicopter that would run \$1,500 an hour. It did not cost the county that much because they had been given the helicopter, but it did cost the taxpayer that much.

Another reason I offer this is if it is not used that way, the equipment sits idly by. I flew into a small county airport in South Carolina surrounded with a number of large Air Force and Navy airplanes, and I said to my brother, what is the trouble with these airplanes?

They were given to the county through this Federal program and, as he explained it, the county accepted it not because they had any use for it, the equipment had been sitting there for years, but because they could not afford not to take it since it was given away.

I think this amendment makes common sense. I would urge its adoption. It is about priorities.

Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The gentleman from Virginia (Mr. BATEMAN) is recognized for 5 minutes.

Mr. BATEMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I appreciate the fact that any program that any agency of government runs may have some abuses in it, and certainly the Committee on Armed Services would like to know where there are abuses and to be able to correct them.

Basically what this amendment does is to repeal two sections of the code which have proven extremely useful to law enforcement throughout America.

One section of the code that would be eliminated is a provision which allows local law enforcement agencies to buy equipment from the catalog list that is available to the Department of Defense and buy it at the prices that the Federal Government or the Department of Defense, through their purchasing power, can obtain at lower prices.

I, frankly, see no reason why we should deprive law enforcement agencies of the opportunity to acquire equipment that they need to fight crime at the lowest price and to have the Federal Government being involved in cooperating and making that possible.

The second aspect of the amendment would repeal a provision of the law that says that the Department of Defense can give to local law enforcement agencies surplus equipment that is no longer needed by the Department of Defense.

This has been a source for a great deal of equipment moving to law enforcement agencies, has been very helpful to them, and this provision has the strong support of law enforcement agencies and associations throughout the country, and certainly the amendment has the resounding opposition of those agencies.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Virginia (Mr. BATEMAN) for yielding 2 minutes to me.

Mr. Chairman, I am very strongly committed to the proposition that we need to rebuild our defenses, that they have been built down way too far, and I am sympathetic to the concerns about saving money and doing that that the gentleman who offered this amendment proposes.

I also chair the Subcommittee on Crime in the House and I know that the programs he is trying to strike here are vital to the efforts of local law enforcement to be able to fight the drug war, to be able to do what they have to do in antiterrorism. I have been personally out in the field in numerous jurisdictions looking at things where the surplus properties were properties purchased because of the buying program that allows the volume to be purchased the gentleman from Virginia (Mr. BATEMAN) talked about that are in full use.

Principally, they are helicopters that they are acquiring in the excess surplus program so they can fly around and deal with the issue of locating marijuana growing areas or finding the bad guys or whatever.

The oil that the gentleman referred to is used to be able to have the oil for the airplanes for the most part. Maybe occasionally it is oil for their vehicles that they would not otherwise be able to do.

Sadly but truthfully, local law enforcement does not have the kind of resources allocated to it from the coun-

ties and the local government or the States that are required to be able to have this larger item, the helicopters in particular, and if they had to go out and buy that from scratch there simply would not be the kind of protection to the citizenry we need in law enforcement in the local communities. There would not be the helicopters flying around at night that many people see helping to deter crime and locating these narcotraffickers and others that are out there.

So I have to reluctantly, severely, oppose this amendment. Counties like Hernando and Lake in Florida, in particular, I think have recently acquired such products as this. Bulletproof vests, helmets, computers, other critically items when they are in surplus, should go to the local law enforcement community first.

I think they should go the right way at a lower cost or at no cost in certain cases, such as the helicopters, where they are in excess and we need them for the protection of our folks.

So I strongly oppose the amendment, and I urge my colleagues to vote no on it.

Mr. BATEMAN. Mr. Chairman, I yield the remaining minute of the time to the gentleman from Mississippi (Mr. TAYLOR).

The CHAIRMAN pro tempore. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 1½ minutes.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman from Virginia (Mr. BATEMAN) for yielding me this time.

Mr. Chairman, I take this opportunity to say that the National Sheriffs Association, the International Association of Chiefs of Police, the Airborne Law Enforcement Association all oppose the Sanford amendment, but I would also remind him that Charleston County is the beneficiary of this. They have received a helicopter, as has Greenville County, South Carolina; as has Lexington County, South Carolina; as has Saluda County; as has the South Carolina Law Enforcement Divisions.

Actually, this is a very good program. The taxpayers paid for these things. It makes sense that our underfunded cities and counties should be able to use them before some foreign country gets them. That is why we changed the law about 8 years ago to give the American taxpayer preference for these things. We should leave the law as it is.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would not dispute any of the things about this program of having great value to local law enforcement. The simple question I would ask is one of priorities.

It is one that I am trying to teach my young boys, and that is right now given what we have talked about in this debate, which is the scarcity of

dollars in the Department of Defense, we simply have to set priorities. We cannot do both, and that is why I think these dollars ought to be retained within DOD.

Mr. TAYLOR of Mississippi. Mr. Chairman, reclaiming my time, we are talking about surplus equipment. The military has made the decision to surplus these things. I am not telling them to surplus it. Once they make that decision, the question is then should the American taxpayers get the benefit through their counties, through their cities, or should someone else?

The gentleman would deprive them of those benefits. I think that is a bad idea.

Mr. GOSS. Mr. Chairman, my concern with this amendment is quite simple: while well intentioned, I think it undermines our efforts in the war on drugs. This amendment would end the ability of State law enforcement agencies to purchase equipment needed specifically for the war on drugs and the fight against terrorism. While the phrase "war on drugs" tends to bring to mind images of jungles in Latin America, the reality is that it is fought everyday on our streets, in our schoolyards and playgrounds. Vivid proof of this came a few years ago in my southwest Florida district—the regional office of the Drug Enforcement Agency was blown up by individuals involved in drug trafficking. Allowing the Defense Department to sell appropriate surplus equipment to law enforcement agencies ensures they have the tools they need to counter this very real threat. I encourage my colleagues to reject the Sanford amendment.

Mr. KUCINICH. Mr. Chairman, I rise today in strong opposition to the Sanford Amendment to H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. This amendment proposes to eliminate an important element of a federal cooperative purchasing program which allows state and local police departments to purchase supplies and services at superdiscounted federal prices.

In 1997, I worked with police departments in my own congressional district to promote participation in cooperative purchasing. Twelve of my district's sixteen police chiefs attended a workshop that I sponsored on the cooperative purchasing process. I sponsored this workshop because I view cooperative purchasing as an invaluable resource for police departments seeking to maximize their operations budgets. The ability to purchase supplies and services at superdiscounted federal prices makes for better equipped and more efficient police forces.

The elimination of cooperative purchasing would clearly be contrary to the interests of the tax payers not just in my own district, but across the country. Created in 1994, as a provision in the Federal Acquisition Streamlining Act (FASA), cooperative purchasing takes advantage of the federal government's purchasing power. As a large consumer of all kinds of goods and services, the federal government's procurement agency—the General Services Administration (GSA)—negotiates superdiscounted prices with the suppliers of these goods and services. Cooperative purchasing simply allows state and local police departments to purchase surplus items directly from the federal government at these superdiscounted prices. The result is millions and

millions of dollars in savings for our nation's taxpayers. To eliminate cooperative purchasing would be to eliminate these savings.

Cooperative purchasing has allowed state and local police departments around the nation to make meaningful cuts in their supply budgets. Some police departments have been able to cut their supply costs by 10 percent. Should we vote to eliminate cooperative purchasing, the American tax payer will be forced to pay a premium in order to properly equip the men and women who keep our nation's neighborhoods safe. The elimination of cooperative purchasing powers would represent yet another instance of special interests being promoted over the public interest.

I urge my fellow Members of Congress to vote against the Sanford Amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. LARGENT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

Mr. SPENCE. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Oklahoma (Mr. LARGENT) for a colloquy.

Mr. LARGENT. Mr. Chairman, I had an amendment at the desk regarding section 2813 that I was going to offer, but after working with the Committee on Armed Services I have decided not to offer it.

My concern with section 2813 was the possibility that it could alter current law with respect to the military's ability to control utilities distribution facilities located on military bases.

The committee-adopted bill appeared to eliminate the Department of Defense's discretion to award privatization contracts based on competitive merit and instead shift the discretion to the State regulatory bodies.

I feared that the State regulatory authorities would have the opportunity to veto the Department of Defense's procurement decisions and direct DOD to award contracts to local incumbent utilities instead, thus opening the door for an unprecedented relinquishment of Federal contracting authority.

I also had concerns that this language might overly restrict the list of eligible bidders. The purpose of my amendment was to ensure that the Federal Government receives the maximum number of bids for those privatized facilities with a corresponding maximum amount of revenue to the Federal Government.

Mr. Chairman, I had an amendment at the desk that I was going to offer, but after working with the Committee on Armed Services I decided not to offer it.

I would like to enter into a colloquy, if I might, about section 2813, with the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Colorado for a colloquy with the gentleman from Oklahoma (Mr. LARGENT).

Mr. HEFLEY. Mr. Chairman, I would be happy to enter into a colloquy with the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. I thank my friend, the gentleman from Colorado (Mr. HEFLEY).

The gentleman from Colorado has been very gracious in agreeing to work with the interested Members, including members of the Committee on Commerce, on this provision as the bill proceeds through the legislative process. I am concerned that this provision, which allows for the privatization of utility systems on military bases as it is currently drafted, is overly broad in requiring compliance not only with State laws but also with State rulings and policies.

It is unclear to me how someone would comply with a State policy, and there is the strong possibility that some State agencies could use that language to develop policies that are not consistent with State law. I hope we can work together to fix this problem.

Mr. HEFLEY. I would say to the gentleman from Oklahoma (Mr. LARGENT), I have committed to work with him to make sure that the language is not overly broad. We do not intend for it to be overly broad. We do not intend for it to create inconsistencies with State law and regulation. I am happy to work with the gentleman on that.

Mr. LARGENT. I also am concerned that the provision only mentions State law and does not mention Federal law, and I hope that the provision can be modified to make it clear that purchasers of these systems have to comply with relevant Federal law, such as the Federal Power Act, as well as State law.

Mr. HEFLEY. I agree, and I would not want that unintended consequence either.

Mr. LARGENT. Finally, as the gentleman knows, we are very close to passing a bill to increase competition in the electric utility industry. I and several members of the Committee on Commerce are concerned that this language would have the unintended consequence of increasing the monopoly power of incumbent utilities in these areas. I hope the gentleman will work with concerned Members to make sure that these provisions are not used in a manner contrary to what we are trying to do with electricity restructuring legislation.

Mr. HEFLEY. I will work with the gentleman and other interested Members to make sure that we do not inadvertently put in place policies that may be contrary to what might be accomplished with the comprehensive electrical utility restructuring legislation.

I want to reiterate to the gentleman from Oklahoma (Mr. LARGENT) that it

is the intent of the provision to level the playing field in the acquisition and maintenance of military utility infrastructure.

Section 2813 would require DOD's privatization initiative in this area to be conducted consistent with the Competition in Contracting Act. Moreover, we would require any awardee to conform to State regulations solely for the terms of that specific contract so that the same standards apply to infrastructure on both sides of the fence and that all parties to the competition for the contract are judged by the same standards.

I agree that competition will get the best result for DOD and for the taxpayer.

Mr. LARGENT. I appreciate the gentleman's willingness to work with me on this issue, and I thank my friend, the gentleman from Colorado (Mr. HEFLEY).

Mr. RODRIGUEZ. Mr. Chairman, I oppose the intent of the Largent amendment.

The existing utility privatization statute is unclear and needs the clarification we added in Committee with bi-partisan support.

The Committee language ensures fair competition and helps guarantee the reliability of energy distribution to our military bases.

The amendment would create unregulated monopolies with unprecedented bargaining power that could hold bases and taxpayers hostage in contract renegotiations.

Default, abandonment or early termination by the unregulated entities could imperil reliability and impose huge costs on our bases.

The amendment would upset the process of utility deregulation; no state has deregulated distribution services.

As approved in Committee, unregulated utilities could still compete. They would simply be expected to comply with the same health, safety, reliability, and system standards which apply to every other energy distribution system in that state.

I urge my colleagues to reject this amendment and maintain the carefully drafted language approved by the Armed Services Committee.

#### SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 2 by the gentleman from Massachusetts (Mr. FRANK); amendment No. 3 by the gentleman from California (Mr. DREIER); amendment No. 4 by the gentleman from Minnesota (Mr. LUTHER); amendment No. 20 by the gentleman from Ohio (Mr. TRAFICANT); amendment No. 13 by the gentleman from Florida (Mr. STEARNS); and amendment No. 10 by the gentleman from South Carolina (Mr. SANFORD).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN pro tempore. The unfinished business is the demand for a

recorded vote on amendment No. 2 offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

At the end of subtitle A of title X (page 302, after line 11), insert the following new section:

**SEC. 1006. ONE PERCENT REDUCTION IN FUNDING.**

The total amount obligated from amounts appropriated pursuant to authorizations of appropriations in this Act may not exceed the amount equal to the sum of such authorizations reduced by one percent. In carrying out reductions required by the preceding sentence, no reduction may be made from amounts appropriated for operation and maintenance or from amounts appropriated for military personnel.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 331, not voting 15, as follows:

[Roll No. 194]

AYES—88

Baldwin	Holt	Paul
Barrett (WI)	Hooley	Payne
Becerra	Jackson (IL)	Pelosi
Berman	Jackson-Lee	Petri
Blumenauer	(TX)	Ramstad
Bonior	Jones (OH)	Rangel
Brown (OH)	Kilpatrick	Rivers
Capuano	Kind (WI)	Roybal-Allard
Clay	Kleczka	Royce
Conyers	Kucinich	Rush
Coyne	Lee	Sanchez
Crowley	Lewis (GA)	Sanders
Davis (IL)	Lofgren	Sanford
DeFazio	Lowey	Schakowsky
DeGette	Luther	Sensenbrenner
Delahunt	McDermott	Shays
Dingell	McGovern	Smith (MI)
Doggett	McKinney	Stark
Duncan	Meehan	Tierney
Ehlers	Millender	Towns
Engel	McDonald	Udall (CO)
Eshoo	Miller, George	Velazquez
Filner	Minge	Vento
Frank (MA)	Morella	Waters
Ganske	Nadler	Watt (NC)
Gephardt	Neal	Waxman
Green (TX)	Oberstar	Weiner
Gutierrez	Obey	Woolsey
Hinchey	Olver	Wu
Hoekstra	Owens	

NOES—331

Abercrombie	Biggart	Calvert
Ackerman	Bilbray	Camp
Aderholt	Bilirakis	Canady
Allen	Bishop	Cannon
Andrews	Blagojevich	Capps
Archer	Bliley	Cardin
Armey	Blunt	Carson
Baca	Boehlert	Castle
Bachus	Boehner	Chabot
Baird	Bonilla	Chambliss
Baker	Bono	Chenoweth-Hage
Baldacci	Borski	Clayton
Ballenger	Boswell	Clement
Barcia	Boucher	Clyburn
Barr	Boyd	Coble
Barrett (NE)	Brady (PA)	Coburn
Bartlett	Brady (TX)	Collins
Bass	Brown (FL)	Combest
Bateman	Bryant	Condit
Bentsen	Burr	Cook
Bereuter	Burton	Cooksey
Berkley	Buyer	Costello
Berry	Callahan	Cox

Cramer	Johnson, E. B.	Rahall
Crane	Johnson, Sam	Regula
Cubin	Jones (NC)	Reyes
Cummings	Kanjorski	Reynolds
Cunningham	Kasich	Riley
Danner	Kelly	Rodriguez
Davis (FL)	Kennedy	Roemer
Davis (VA)	Kildee	Rogan
Deal	King (NY)	Rogers
DeLauro	Kingston	Rohrabacher
DeLay	LaFalce	Ros-Lehtinen
DeMint	Klink	Rothman
Deutsch	Knollenberg	Roukema
Diaz-Balart	Kolbe	Ryan (WI)
Dickey	Kuykendall	Ryun (KS)
Dicks	LaFolce	Sabo
Dixon	LaHood	Sandlin
Dooley	Lampson	Sawyer
Doolittle	Lantos	Saxton
Doyle	Largent	Scarborough
Dreier	Larson	Schaffer
Dunn	Latham	Scott
Edwards	LaTourette	Serrano
Ehrlich	Lazio	Sessions
Emerson	Levin	Shadegg
English	Lewis (CA)	Shaw
Etheridge	Lewis (KY)	Sherman
Evans	Linder	Sherwood
Everett	Lipinski	Shimkus
Ewing	LoBiondo	Shows
Farr	Lucas (KY)	Shuster
Fletcher	Lucas (OK)	Simpson
Foley	Maloney (CT)	Sisisky
Forbes	Maloney (NY)	Skeen
Ford	Manzullo	Skelton
Fowler	Martinez	Smith (NJ)
Franks (NJ)	Mascara	Smith (TX)
Frelinghuysen	Matsui	Smith (WA)
Frost	McCarthy (MO)	Snyder
Gallegly	McCarthy (NY)	Souder
Gejdenson	McCollum	Spence
Gekas	McCrery	Spratt
Gibbons	McHugh	Stabenow
Gilchrest	McInnis	Stearns
Gillmor	McIntosh	Stenholm
Gilman	McIntyre	Strickland
Gonzalez	McKeon	Stump
Goode	McNulty	Sununu
Goodlatte	Meeks (NY)	Sweeney
Goodling	Menendez	Talent
Gordon	Metcalfe	Tancredo
Goss	Mica	Tanner
Graham	Miller (FL)	Tauscher
Granger	Miller, Gary	Tauzin
Green (WI)	Mink	Taylor (MS)
Greenwood	Moakley	Taylor (NC)
Gutknecht	Moore	Terry
Hall (OH)	Moran (KS)	Thomas
Hall (TX)	Moran (VA)	Thompson (CA)
Hansen	Murtha	Thompson (MS)
Hastings (FL)	Myrick	Thornberry
Hastings (WA)	Napolitano	Thune
Hayes	Nethercutt	Thurman
Hayworth	Ney	Tiahrt
Hefley	Northup	Toomey
Herger	Norwood	Trafficant
Hill (IN)	Nussle	Turner
Hill (MT)	Ortiz	Visclosky
Hilleary	Ose	Vitter
Hilliard	Oxley	Walden
Hinojosa	Packard	Walsh
Hobson	Pallone	Wamp
Hoeffel	Pascrell	Watkins
Holden	Pastor	Watts (OK)
Horn	Pease	Weldon (FL)
Hostettler	Peterson (MN)	Weldon (PA)
Houghton	Peterson (PA)	Weller
Hulshof	Phelps	Wexler
Hunter	Pickering	Weygand
Hutchinson	Pickett	Whitfield
Hyde	Pitts	Wicker
Inslee	Pombo	Wilson
Isakson	Pomeroy	Wise
Istook	Porter	Wolf
Jefferson	Portman	Wynn
Jenkins	Price (NC)	Young (FL)
John	Pryce (OH)	
Johnson (CT)	Quinn	
	Radanovich	

NOT VOTING—15

Barton	Kaptur	Salmon
Campbell	Leach	Slaughter
Fattah	Markey	Stupak
Fossella	Meek (FL)	Udall (NM)
Hoyer	Mollohan	Young (AK)

□ 1105

Mrs. CUBIN, and Messrs. BEREUTER, GORDON, DAVIS of Virginia and

Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Messrs. SHAYS, PAYNE, ENGEL, CONYERS and OBERSTAR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 194 I was unable to vote. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Pursuant to House Resolution 503, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. DREIER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. DREIER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DREIER:

At the end of title XII (page 338, after line 13), add the following:

**SEC. 1205. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.**

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking "180" and inserting "60"; and

(2) by adding at the end the following: "(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 8, not voting 11, as follows:

[Roll No. 195]

AYES—415

Abercrombie	Archer	Baker
Ackerman	Armey	Baldacci
Aderholt	Baca	Baldwin
Allen	Bachus	Ballenger
Andrews	Baird	Barcia

Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Bass  
Bateman  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggert  
Billbray  
Bilirakis  
Bishop  
Blagojevich  
Bliley  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (FL)  
Brown (OH)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Cannon  
Capps  
Capuano  
Cardin  
Carson  
Castle  
Chabot  
Chambliss  
Chenoweth-Hage  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cook  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crowley  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
Deal  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson

Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Ewing  
Farr  
Fattah  
Filner  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Fowler  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Gallegly  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green (TX)  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hefley  
Herger  
Hill (IN)  
Hill (MT)  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Hooley  
Horn  
Houghton  
Hulshof  
Hutchinson  
Hyde  
Inlee  
Isakson  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kasich  
Kelly  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kleczka  
Klink  
Knollenberg  
Kolbe  
Kucinich  
Kuykendall  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent

Larson  
Latham  
LaTourette  
Lazio  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markley  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meeks (NY)  
Menendez  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (FL)  
Miller, Gary  
Miller, George  
Minge  
Mink  
Moakley  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Ose  
Owens  
Oxley  
Packard  
Pallone  
Pascarell  
Pastor  
Paul  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Reyes  
Reynolds

Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schaffer  
Schakowsky  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows

Shuster  
Simpson  
Sisisky  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Spence  
Spratt  
Stabenow  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Sununu  
Sweeney  
Talent  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman

Tiahrt  
Tierney  
Toomey  
Towns  
Traficant  
Turner  
Udall (CO)  
Upton  
Velazquez  
Vento  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watkins  
Watt (NC)  
Watts (OK)  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Weygand  
Whitfield  
Wicker  
Wilson  
Wise  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

## NOES—8

Ganske  
Green (WI)  
Hayworth

Hostettler  
Hunter  
Payne

Rothman  
Taylor (MS)

## NOT VOTING—11

Barton  
Campbell  
Hoyer  
Kaptur

Leach  
Meek (FL)  
Mollohan  
Salmon

Stupak  
Udall (NM)  
Young (AK)

□ 1113

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

## Stated for:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 195, I was unable to vote. Had I been present, I would have voted "aye."

## PERSONAL EXPLANATION

Mr. HOYER. Mr. Chairman, earlier today I attended a ceremony in Annapolis, Maryland, at which Governor Parris Glendening signed into law a bill creating the "Judith P. Hoyer Early Child Care and Education Enhancement Program." Because of my attendance at that ceremony, I was unable to vote on two amendments to H.R. 4205, the Defense authorization bill for fiscal year 2001. Had I had been present, I would have voted "no" on the amendment numbered 2 offered by the gentleman from Massachusetts (Mr. FRANK) (Roll No. 194). I would have voted "aye" on the amendment numbered 3 offered by the gentleman from California (Mr. DREIER) (Roll No. 195).

## AMENDMENT NO. 4 OFFERED BY MR. LUTHER

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The unfinished business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from Minnesota (Mr. LUTHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LUTHER:

## 4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUTHER OF MINNESOTA

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

## SEC. —. DISCONTINUATION OF PRODUCTION OF TRIDENT II (D-5) MISSILES

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 2001 may not be obligated or expended to commence production of additional Trident II (D-5) missiles.

(b) AUTHORIZED SCOPE OF TRIDENT II (D-5) PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D-5) missile program only for the completion of production of those Trident II (D-5) missiles which were commenced with funds appropriated for a fiscal year 2002.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by \$472,900,000.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 9, as follows:

[Roll No. 196]

## AYES—112

Allen  
Baird  
Baldwin  
Barrett (WI)  
Becerra  
Bentsen  
Berman  
Blumenauer  
Bonior  
Brown (OH)  
Capps  
Capuano  
Cardin  
Carson  
Clay  
Conyers  
Cummings  
Cunningham  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
Doggett  
Duncan  
Ehlers  
Eshoo  
Evans  
Farr  
Fattah  
Filner  
Frank (MA)  
Gephardt  
Green (TX)  
Green (WI)  
Gutierrez  
Hall (OH)  
Hinchey  
Hoekstra

Holt  
Hooley  
Jackson (IL)  
Jones (OH)  
Kind (WI)  
Klink  
Kucinich  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Luther  
Maloney (NY)  
Markey  
McCarthy (MO)  
McDermott  
McGovern  
McKinney  
Meehan  
Meeks (NY)  
Menendez  
Miller, George  
Minge  
Mink  
Morella  
Nadler  
Napolitano  
Neal  
Nussle  
Oberstar  
Obey  
Owens  
Pallone  
Paul  
Payne  
Pelosi  
Peterson (MN)

Petri  
Pomeroy  
Porter  
Price (NC)  
Ramstad  
Rangel  
Rivers  
Roemer  
Rohrabacher  
Rush  
Sabo  
Sanders  
Sandlin  
Sanford  
Sawyer  
Schakowsky  
Sensenbrenner  
Serrano  
Sherman  
Slaughter  
Stabenow  
Stark  
Strickland  
Thompson (CA)  
Tierney  
Towns  
Udall (CO)  
Upton  
Velazquez  
Vento  
Watt (NC)  
Waxman  
Weiner  
Woolsey  
Wu

## NOES—313

Abercrombie  
Ackerman  
Aderholt  
Andrews  
Archer  
Armey  
Baca  
Bachus  
Baker  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Bartlett  
Bass  
Bateman

Bereuter  
Berkley  
Berry  
Biggert  
Billbray  
Bilirakis  
Bishop  
Blagojevich  
Bliley  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Borski  
Boswell  
Boucher

Boyd  
Brady (PA)  
Brady (TX)  
Brown (FL)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Cannon  
Castle  
Chabot  
Chambliss  
Chenoweth-Hage